

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

2/07

HAND OUT TO ATTORNEY  
GUIDELINES FOR POSTING A PROPERTY BOND

The following guidelines are for the attorney appointed or retained for a defendant appearing in the Southern District of Ohio, Western Division at Cincinnati.

Please be advised that you are responsible for registering a lien with the County in which the property resides. Registration is made through the use of a Lis Pendens. The Lis Pendens must be registered forthwith. The bond will not be executed until proof of the registration is made to the U. S. District Court Clerk's Office.

The filing and releasing of a Notice of Lis Pendens (Certified Copy) should be filed with the Recorder's Office of the county where the property resides. If the property is located within Hamilton County the address is as follows:

Hamilton County Recorder's Office  
County Administration Building  
138 East Court Street  
Cincinnati, OH 45202  
(513) 946-4570  
(513) 946-4577

There is a cost of recording the lis pendens and releasing the lis pendens. As of February 2007, the Hamilton County Recorder's Office charges \$28.00 for recording the first two pages of a document and \$8.00 for each succeeding page.

Requirements for Posting with the Clerk's Office

1. Real estate must be located within this judicial district unless the Court otherwise orders.

Required Documentation:

- A. A current mortgage statement showing the current mortgage balance. If the real estate is encumbered by a mortgage, the unencumbered value of the real estate must be equal to or greater than the face amount of the bond.
- B. The most current tax statement showing that taxes have been paid on the property.
- C. Proof of ownership of the Property:

Original Deed: If the original deed is held by the mortgage company, a certified copy will do, as long as all other documentation has been submitted. If the property has been inherited, the new owner must have a quitclaim deed or a transfer certificate from the Recorder.

2. The owner(s) must complete the Justification of Surety which is part of the Appearance Bond. If the surety posting a bond is married, whether the property is in one name or both, the husband and wife must complete and sign the Justification of Surety and the Agreement to Forfeit Property. (FORMS TO BE COMPLETED AT CLERK'S OFFICE)

\*\*\*\*\*PLEASE NOTE\*\*\*\*\*

EFFECTIVE FEBRUARY 2007 ALL PROPERTY BOND PAPERS WILL BE FORWARDED TO THE ATTORNEY OF RECORD TO HOLD IN HIS/HER CUSTODY DURING THE PENDENCY OF THE CRIMINAL ACTION. IT WILL BE THE RESPONSIBILITY OF THE ATTORNEY TO FILE A MOTION TO RELEASE THE LIS PENDENS AT THE COMPLETION OF THE CRIMINAL ACTION AND FILE PROOF OF SUCH RELEASE WITH THE COURT. AT THAT TIME, THE ATTORNEY SHALL RETURN ALL DOCUMENTATION TO THE OWNER/SURETY.

EXAMPLE OF LIS PENDENS NOTICE

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

USA,

PLAINTIFF,

VS.

Case #

(DEFENDANT)

-----  
LIS PENDENS NOTICE  
-----

Notice is hereby given that (Surety) of (County), Ohio, being sole owner(s) of the herein described real estate located in (County), Ohio, pledge the entire value of said property as surety on the Appearance Bond in the amount of \$( ), for (Defendant), in the above styled case to the United States District Court for the Southern District of Ohio at Cincinnati on the ( ) day of ( ).

Said property was conveyed by deed recorded in the ( ) County Clerk's Office in Deed Book ( ), page ( ) and is more particularly described as follows:

**See attached copy of deed**

This Lis Pendens is effective until such time as it is released by the Clerk, United States District Court for the Southern District of Ohio, Western Division at Cincinnati.

JAMES BONINI, CLERK

By: Deputy Clerk

---

EXAMPLE OF A RELEASE

Notice is hereby given that the Lis Pendens Notice (copy attached) filed on (blank) (deed #) in Recorder's Office, (County), against the therein described property by the Clerk, USDC for the SDOH, Western Division at Cincinnati is hereby RELEASED, this (date).

Said property was conveyed by deed recorded in the (County) Recorder's Office in Deed (#) and is more particularly described as follows:

See copy of attached deed.

JAMES BONINI, CLERK

BY: Deputy Clerk

I hereby certify that the aforementioned property was released from (county)

DEPUTY CLERK

(COUNTY)